

Executive Summary – Enforcement Matter – Case No. 45760
City of Skellytown
RN102796968 and RN102675006
Docket No. 2012-2619-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Skellytown WWTP, located approximately 0.25 mile west of State Highway 152, at a point approximately one mile northwest of the intersection of Farm-to-Market Road 294 and State Highway 152, Carson County

Skellytown Municipal Water System, located at the intersection of 6th Street and Roosevelt Street, Skellytown, Carson County

Type of Operation:

Wastewater treatment plant ("WWTP") and a public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 18, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,552

Amount Deferred for Expedited Settlement: \$2,710

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$100

Total Due to General Revenue: \$10,742

Payment Plan: 16 payments of \$100 each, 2 payments of \$469 each, 16 payments of \$483 each, and 1 payment of \$476

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications (RN102796968):

Person/CN - Satisfactory

Site/RN - Satisfactory

Compliance History Classifications (RN102675006):

Person/CN - Satisfactory

Site/RN – Satisfactory (WWTP) and N/A (PWS)

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 45760
City of Skellytown
RN102796968 and RN102675006
Docket No. 2012-2619-MLM-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 26, 2012 and October 22, 2012

Date(s) of NOE(s): November 7, 2012, November 13, 2012 and November 15, 2012

Violation Information

1. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2011; May 31, 2012; June 30, 2012; and July 31, 2012, were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010283001, Monitoring and Reporting Requirements No. 1].
2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2011 by September 1, 2011 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010283001, Sludge Provisions].
3. Failed to employ or contract one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration [30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0010283001, Other Requirements No. 1].
4. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By December 7, 2012, hired a Class D licensed water works operator; and
- b. By March 26, 2013, submitted the DMRs for the monitoring periods ending August 31, 2011; May 31, 2012; June 30, 2012; and July 31, 2012, and the 2011 annual sludge report for the monitoring period ending July 31, 2011.

Executive Summary – Enforcement Matter – Case No. 45760
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Docket No. 2012-2619-MLM-E

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Ensure a properly certified WWTP operator holding a valid license or registration operates the wastewater treatment plant at least five days a week; and
 - ii. Update the WWTP's operational guidance and conduct employee training to ensure that monthly DMRs are submitted by the 20th day of the following month and ensure that the annual sludge report is submitted by September 1st of every year.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division,
Enforcement Team 1, MC R-04, (817) 588-5825; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Glenna Swanson, City Secretary, City of Skellytown, P.O. Box 129,
Skellytown, Texas 79080
The Honorable Ralph Tice, Mayor, City of Skellytown, P.O. Box 129, Skellytown, Texas
79080
Respondent's Attorney: N/A

DATES	Assigned	19-Nov-2012	Screening	3-Dec-2012	EPA Due	
	PCW	3-Apr-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Skellytown
Reg. Ent. Ref. No.	RN102796968
Facility/Site Region	1-Amarillo
Major/Minor Source	Minor

CASE INFORMATION	
Enf./Case ID No.	45760
Docket No.	2012-2619-MLM-E
Media Program(s)	Water Quality
Multi-Media	Public Water Supply
No. of Violations	3
Order Type	1660
Government/Non-Profit	Yes
Enf. Coordinator	Heather Brister
EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0
Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$12,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$625
Notes	Enhancement for one NOV with same/similar violations.		
Culpability	0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
<div style="display: flex; justify-content: space-between;"> <div style="font-size: x-small;"> Total EB Amounts Approx. Cost of Compliance </div> <div style="border: 1px solid black; padding: 2px;"> <div style="text-align: right;">\$4,926</div> <div style="text-align: right;">\$25,400</div> </div> </div>		*Capped at the Total EB \$ Amount	
SUM OF SUBTOTALS 1-7		Final Subtotal	\$13,125
OTHER FACTORS AS JUSTICE MAY REQUIRE		0.0%	Adjustment
Reduces or enhances the Final Subtotal by the indicated percentage.			\$0
Notes			
		Final Penalty Amount	\$13,125
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$13,125
DEFERRAL	20.0% Reduction	Adjustment	-\$2,625
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$10,500

Screening Date 3-Dec-2012

Docket No. 2012-2619-MLM-E

PCW

Respondent City of Skellytown

Policy Revision 3 (September 2011)

Case ID No. 45760

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102796968

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 3-Dec-2012

Docket No. 2012-2619-MLM-E

PCW

Respondent City of Skellytown

Case ID No. 45760

Policy Revision 3 (September 2011)

Reg. Ent. Reference No. RN102796968

PCW Revision August 3, 2011

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010283001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit, as documented during a record review conducted on October 22, 2012. Specifically, the discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2011; May 31, 2012; June 30, 2012; and July 31, 2012, were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 4

440 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Four monthly events are recommended, one for each missing report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	X		(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$36

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent City of Skellytown
Case ID No. 45760
Reg. Ent. Reference No. RN102796968
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	1-Sep-2011	31-Jul-2013	1.92	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	1-Sep-2011	26-Mar-2013	1.57	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to submit the monthly DMRs and the annual sludge report to TCEQ (\$25 per monthly DMRs and \$50 for the annual sludge report), to update operational guidance and conduct employee training to ensure that monthly DMRs are submitted by the 20th day of the following month and ensure that the annual sludge report is submitted by September 1st of every year. Date required is the date the annual sludge report for the monitoring period ending July 31, 2011 was due. Final dates include the date the missing reports were submitted to the TCEQ and the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$36

Screening Date 3-Dec-2012

Docket No. 2012-2619-MLM-E

PCW

Respondent City of Skellytown

Policy Revision 3 (September 2011)

Case ID No. 45760

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102796968

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010283001, Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2011 by September 1, 2011, as documented during a record review conducted on October 22, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

459 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

Economic Benefit Worksheet

Respondent City of Skellytown
Case ID No. 45760
Reg. Ent. Reference No. RN102796968
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 3-Dec-2012

Docket No. 2012-2619-MLM-E

PCW

Respondent City of Skellytown

Policy Revision 3 (September 2011)

Case ID No. 45760

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102796968

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0010283001, Other Requirements No. 1

Violation Description

Failed to employ or contract one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration, as documented during an investigation conducted on September 26, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Operating the wastewater treatment plant without a licensed operator may not allow for the proper maintenance and operation of the wastewater treatment plant's equipment and personnel may not be properly trained to address needs of the wastewater treatment plant. As a result, human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

68 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three monthly events are recommended from the investigation date (September 26, 2012) to the screening date (December 3, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,890

Violation Final Penalty Total \$11,813

This violation Final Assessed Penalty (adjusted for limits) \$11,813

Economic Benefit Worksheet

Respondent City of Skellytown
 Case ID No. 45760
 Reg. Ent. Reference No. RN102796968
 Media Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel	\$25,000	26-Sep-2012	3-Dec-2012	0.19	\$233	\$4,658	\$4,890
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost avoided by failing to have a licensed operator at the wastewater treatment plant (at an annual salary of \$25,000/year). Date required is the date the violation was initially documented. Final date is the screening date.

Approx. Cost of Compliance

\$25,000

TOTAL

\$4,890

TCEQ

DATES

Assigned

19-Nov-2012

PCW

7-Dec-2012

Screening

3-Dec-2012

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent

City of Skellytown

Reg. Ent. Ref. No.

RN102675006

Facility/Site Region

1-Amarillo

Major/Minor Source

Minor

CASE INFORMATION

Enf./Case ID No.

45760

Docket No.

2012-2619-MLM-E

Media Program(s)

Public Water Supply

Multi-Media

Water Quality

No. of Violations

1

Order Type

1660

Government/Non-Profit

Yes

Enf. Coordinator

Heather Brister

EC's Team

Enforcement Team 1

Admin. Penalty \$ Limit Minimum

\$50

Maximum

\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$450

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

5.0%

Enhancement

Subtotals 2, 3, & 7

\$22

Notes

Enhancement for one NOV with same/similar violations.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

\$45

Economic Benefit

0.0%

Enhancement*

Subtotal 6

\$0

Total EB Amounts

\$13,592

Approx. Cost of Compliance

\$25,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$427

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$427

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$427

DEFERRAL

20.0%

Reduction

Adjustment

-\$85

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$342

Screening Date 3-Dec-2012

Docket No. 2012-2619-MLM-E

PCW

Respondent City of Skellytown

Policy Revision 3 (September 2011)

Case ID No. 45760

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102675006

Media [Statute] Public Water Supply

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 3-Dec-2012

Docket No. 2012-2619-MLM-E

PCW

Respondent City of Skellytown

Case ID No. 45760

Policy Revision 3 (September 2011)

Reg. Ent. Reference No. RN102675006

PCW Revision August 3, 2011

Media [Statute] Public Water Supply

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)

Violation Description

Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, as documented during an investigation conducted on September 26, 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Failure to employ a licensed individual to perform process control duties could result in customers of the Facility being exposed to pollutants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 3

68 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$450

Three monthly events are recommended from the investigation date (September 26, 2012) to the screening date (December 3, 2012).

Good Faith Efforts to Comply

10.0% Reduction

\$45

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent achieved compliance on December 7, 2012.

Violation Subtotal \$405

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13,592

Violation Final Penalty Total \$428

This violation Final Assessed Penalty (adjusted for limits) \$428

Economic Benefit Worksheet

Respondent City of Skellytown
Case ID No. 45760
Reg. Ent. Reference No. RN102675006
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel	\$25,000	1-Jun-2012	7-Dec-2012	0.52	\$647	\$12,945	\$13,592
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost avoided by failing to have a licensed operator at the Facility (at an annual salary of \$25,000/year). Date required is the date the violation was initially documented. Final date is the date of compliance.

Approx. Cost of Compliance

\$25,000

TOTAL

\$13,592

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600343057, RN102796968, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600343057, City of Skellytown

Classification: SATISFACTORY

Rating: 1.06

Regulated Entity: RN102796968, CITY OF SKELLYTOWN WWTP

Classification: SATISFACTORY

Rating: 1.33

Complexity Points: 4

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: LOCATED APPROX 0.25 MI W OF SH 152 APPROX 1.0 MI NW OF THE INTERX OF FM 294 AND SH 152, CARSON COUNTY, TEXAS

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

WASTEWATER PERMIT WQ0010283001

WASTEWATER EPA ID TX0055085

WASTEWATER LICENSING LICENSE WQ0010283001

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: March 13, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 13, 2008 to March 13, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Heather Brister

Phone: (254) 761-3034

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES, when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 18, 2008	(692105)
Item 2	July 09, 2008	(683819)
Item 3	July 14, 2008	(692106)
Item 4	August 13, 2008	(713173)
Item 5	September 05, 2008	(713174)
Item 6	October 10, 2008	(729311)
Item 7	November 19, 2008	(729312)
Item 8	December 11, 2008	(729313)
Item 9	February 24, 2009	(752503)
Item 10	April 02, 2009	(770152)
Item 11	May 13, 2009	(770153)
Item 12	July 15, 2009	(810029)
Item 13	August 13, 2009	(810030)
Item 14	July 22, 2010	(845214)
Item 15	July 31, 2010	(874568)
Item 16	August 09, 2010	(867592)
Item 17	September 30, 2010	(882145)
Item 18	January 22, 2011	(909764)
Item 19	March 09, 2011	(927051)
Item 20	April 21, 2011	(927052)
Item 21	June 16, 2011	(946066)
Item 22	June 27, 2011	(933191)
Item 23	August 17, 2011	(959964)
Item 24	October 17, 2011	(972042)
Item 25	November 07, 2011	(978205)
Item 26	December 05, 2011	(984990)
Item 27	January 06, 2012	(991281)
Item 28	February 09, 2012	(998646)
Item 29	March 05, 2012	(1004164)
Item 30	April 04, 2012	(1010731)
Item 31	May 03, 2012	(1017102)
Item 32	October 08, 2012	(1047535)
Item 33	November 01, 2012	(1064331)
Item 34	November 19, 2012	(1064332)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	07/05/2012 (1027015)	CN600343057
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600343057, RN102675006, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600343057, City of Skellytown **Classification:** SATISFACTORY **Rating:** 1.06

Regulated Entity: RN102675006, SKELLYTOWN MUNICIPAL WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: THE INTERSECTION OF 6TH STREET AND ROOSEVELT STREET, SKELLYTOWN, CARSON COUNTY, TEXAS

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0330004

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: March 13, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 13, 2008 to March 13, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Heather Brister **Phone:** (254) 761-3034

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 14, 2008	(705886)
Item 2	January 19, 2012	(976742)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	05/29/2012 (1013499)	CN600343057
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)	
	Description:	The facility failed to operate the water system under the direct supervision of a licensed water works operator.	

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF SKELLYTOWN
RN102796968 AND RN102675006**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-2619-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Skellytown ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates two facilities (the "Facilities"): a wastewater treatment plant ("WWTP") located approximately 0.25 mile west of State Highway 152, at a point approximately one mile northwest of the intersection of Farm-to-Market Road 294 and State Highway 152, Carson County, Texas; and a public water supply located at the intersection of 6th Street and Roosevelt Street, Skellytown, Carson County, Texas (the "Facility") that has approximately 241 service connections and serves at least 473 people per day for at least 60 days per year.
2. The WWTP adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about November 12, 2012; November 18, 2012; and November 20, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirteen Thousand Five Hundred Fifty-Two Dollars (\$13,552) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Dollars (\$100) of the administrative penalty and Two Thousand Seven Hundred Ten Dollars (\$2,710) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Ten Thousand Seven Hundred Forty-Two Dollars (\$10,742) of the administrative penalty shall be payable in 16 monthly payments of One Hundred Dollars (\$100) each, two monthly payments of Four Hundred Sixty-Nine Dollars (\$469) each, 16 monthly payments of Four Hundred Eighty-Three Dollars (\$483) each and a final payment of Four Hundred Seventy-Six Dollars (\$476). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:
 - a. By December 7, 2012, hired a Class D licensed water works operator; and
 - b. By March 26, 2013, submitted the discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2011; May 31, 2012; June 30, 2012; and July 31, 2012, and the annual sludge report for the monitoring period ending July 31, 2011.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facilities, the Respondent is alleged to have:

1. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010283001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 22, 2012. Specifically, the DMRs for the monitoring periods ending August 31, 2011; May 31, 2012; June 30, 2012; and July 31, 2012, were not submitted by the 20th day of the following month.
2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2011 by September 1, 2011, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010283001, Sludge Provisions, as documented during a record review conducted on October 22, 2012.
3. Failed to employ or contract one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d), and TPDES Permit No. WQ0010283001, Other Requirements No. 1, as documented during an investigation conducted on September 26, 2012.
4. Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on September 26, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Skellytown, Docket No. 2012-2619-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Ensure a properly certified wastewater treatment facility operator holding a valid license or registration operates the WWTP at least five days a week, in accordance with 30 TEX. ADMIN. CODE § 30.350(d) and TPDES Permit No. WQ0010283001 Other Requirements No. 1; and
 - ii. Update the WWTP's operational guidance and conduct employee training to ensure that monthly DMRs are submitted by the 20th day of the following month and ensure that the annual sludge report is submitted by September 1st of every year, in accordance with TPDES Permit No. WQ0010283001.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a.i and 2.a.ii. The written certification shall be notarized by a State of Texas Notary Public, include detailed supporting documentation including photographs, receipts, and/or other records, and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with Ordering Provision No. 2 in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph

exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

02/26/2015 11:37 TCEQ Region 4 Matrix

(FAX)8175885705

P.008/009

City of Skellytown
DOCKET NO. 2012-2619-MLM-E
Page 7

SIGNATURE PAGE**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

Pam Martin
For the Executive Director

6/22/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Ralph
Signature

2-26-15
Date

RALPH TICE
Name (Printed or typed)
Authorized Representative of
City of Skellytown

Ralph
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.